IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

Crl.Rev.Pet.No. 383 of 2007()

CRA.10/2005 OF ADDL. SESSIONS COURT, (ADHOC-1), MANJERI.
CC.425/2004 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES), MANJERI

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REVN. PETITIONER: APPELLANT/ACCUSED

MUHAMMED KUNHU, AGED 42 YEARS,
S/O.ABOOBACKER, PALLATHU HOUSE,
RESHNI HOTEL, ALUVA, ERNAKULAM DISTRICT.

BY ADV. SRI.THOMAS M.JACOB
SRI.G.RAJAGOPAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No. 383 of 2007

Dated this the 25th day of January, 2007.

ORDER

Revision Petitioner is the accused in C.C.No. 425 of 2004 on the file of the Judicial First Class Magistrate Court–II, Manjeri. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo rigorous imprisonment for a period of one year under section 420 of the Indian Penal Code and to pay a Rs.1,20,000/- to the defacto complainant (PW1) as compensation under section 357(3) Cr.P.C. In appeal filed by him, the conviction and sentence were confirmed by the Addl. Sessions Court, Manjeri. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.1160 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the defacto complainant. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.1160 of 2007 and Revision Petition are allowed.

K. HEMA, JUDGE.

Krs.